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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 58th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 19 April 2000, at 10.00 a.m.

Chairman: Mr. SIMKHADA (Nepal)

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GE.00-13284 (E)

The meeting was called to order at 10.10 a.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

Situation of human rights in Colombia (E/CN.4/2000/11)

1. The CHAIRMAN read out the following statement on Colombia, which had been agreed upon by all delegations:

"The Commission on Human Rights welcomes the continued readiness of the Colombian Government to cooperate with the permanent Office of the High Commissioner for Human Rights, enabling it to carry out its mandate and to conduct its activities without any impediment. It also welcomes the report on the situation of human rights in Colombia by the permanent Office of the High Commissioner for Human Rights in Bogotá. It also takes note of a document containing the observations by the Colombian Government on its report.

"The Commission welcomes the renewal of the agreement between the Government of Colombia and the High Commissioner for Human Rights extending the mandate of the permanent Office in Bogotá until April 2002. The Commission strongly believes that the Office continues to play a vital role in addressing ongoing violations of human rights and international humanitarian law and regrets, in this context, that many of the recommendations formulated by the Office have not been given adequate follow-up. It continues to consider of the utmost importance, and to fully support, the valuable work which the Office is undertaking in the promotion and protection of human rights in assisting Colombian authorities in developing policies and programmes in the above-mentioned field. In this context, it encourages the expansion of the Commission's presence beyond Bogotá.

"The Commission also welcomes the willingness of the Government of Colombia to engage in constructive peace talks with the main guerrilla groups, in the framework of the peace plan, with a view to achieving a sustainable peace in Colombia. The Commission expects that the peace efforts will soon incorporate other actors in the conflict, as well as civil society. The Commission, however, remains deeply concerned at the lack of a permanent ceasefire and at the grave and persistent abuses of international humanitarian law despite the ongoing peace process. It calls on the parties to reach, as a matter of priority, a comprehensive human rights and humanitarian agreement, and to initiate discussions on an agreement on the question of how victims of the conflict may be recognized and may obtain reparation.

"The Commission welcomes the announcement by the Vice-President of Colombia - in his capacity of Human Rights Counsellor to the Colombian Government - of the promised integrated plan on human rights entitled "Policy for the Promotion, Respect and Safeguard of Human Rights and the application of International Humanitarian Law". It expects that this plan will be translated into practical and

effective results with regard, inter alia, to combating the high level of impunity, rendering assistance for the internally displaced persons and ensuring the safety of human rights defenders. The Commission will follow its implementation closely.

"The Commission recognizes the additional legislative steps taken in Colombia, at the national and international levels, in particular the introduction of a new rule which excludes minors from joining the armed forces. It urges the Government of Colombia to fully abolish the system of faceless justice, as recommended by the United Nations. It also notes that the draft bill to ratify the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and Their Destruction was passed in the Congress and is currently awaiting presidential approval.

"The Commission has taken note of the approval of the Military Penal Code reform bill by the Congress of Colombia, but strongly urges the Government of Colombia to take the necessary steps to overcome constitutional impediments to its entry into force, so as to ensure an independent judicial system, and to separate the functions of the executive and the judiciary. It urges the Colombian authorities to ensure that the new Code will comply with international requirements and with the jurisprudence of the Colombian Constitutional Court. It also urges the Colombian authorities to guarantee that the Code will come into force as soon as possible.

"While welcoming the initial approval by the Congress of a draft law which criminalizes enforced disappearance and establishes the crimes of genocide, enforced displacement and torture and a draft Criminal Code, the Commission notes with great concern the President's decision to return both drafts to the Congress. The Commission also hopes that questions underlying this decision will be re-evaluated as a matter of urgency, with a view to reconsidering the decision and adopting laws that comply with international standards.

"The Commission expresses its deep concern at the deterioration of the human rights and humanitarian situation in Colombia during 1999, characterized by a decline in reported human rights violations and offset, notably, by an increase in abuses and killings by the paramilitary. In this context, it unequivocally condemns the persistent grave violations and abuses perpetrated by the paramilitary groups and the guerrillas, and calls on the Government to take urgent action to intensify political, administrative, judicial and other appropriate measures with respect to official bodies, members of the armed forces and individuals suspected of supporting paramilitary groups. The Commission positively notes the recent announcement by the Government in this field, whilst urging it to prevent the cooperation and collaboration of the armed forces with the paramilitary groups, and requesting that all allegations of this type be investigated thoroughly and promptly.

"The Commission strongly condemns all acts of terrorism and violation of international humanitarian law committed by guerrilla groups, including the systematic kidnapping of children. It notes with concern the continued use of child soldiers and anti-personnel mines by the guerrillas. The Commission also condemns the continued mass abductions and destruction of power lines by the National Liberation Army (ELN),

and the killing of foreigners and continuing kidnapping by the Revolutionary Armed Forces of Colombia (FARC). The Commission also condemns the killings and other serious abuses taking place in the demilitarized zone and calls upon the Revolutionary Armed Forces of Colombia to agree to the Colombian Government's proposal for a visit by an international observer's mission to the zone. It urges the guerrilla groups to engage in serious and concrete peace talks with the Government and to agree on a complete ceasefire without delay.

"The Commission welcomes the further reduction in human rights violations attributed to the armed and security forces and urges the Government of Colombia to ensure that members of the State forces against whom credible allegations are made, not only of human rights violations but also of colluding with self-defence and paramilitary groups, are suspended, whilst speedy investigations are undertaken. If such allegations are substantiated, the official involved should be dismissed from State service and subject to criminal trial.

"The Commission remains deeply concerned about the increase in the number of internally displaced persons in Colombia and calls for continued action and cooperation in this regard between the Colombian authorities and international bodies. It encourages enhanced cooperation with the Office of the High Commissioner for Refugees. It notes and encourages also the ongoing cooperation with the International Committee of the Red Cross (ICRC). It encourages the Government of Colombia to seek effective means of eradicating the causes of displacement, in particular by assuring visible operational results in the struggle against paramilitary groups, and others forcing displacement, and by bringing those responsible to justice.

"The Commission welcomes the cooperation extended by the Government of Colombia to the Representative of the Secretary-General on Internally Displaced Persons and encourages the Government of Colombia to follow up on his recommendations. It also encourages the Government of Colombia to extend invitations to other human rights mechanisms, notably the Working Group on Enforced or Involuntary Disappearances.

"The Commission deplores the persistence of worrying levels of impunity in cases of serious crimes, particularly in the military jurisdiction. It commends the efforts undertaken by the Prosecutor-General's Office in investigating significant cases. It calls on the Government of Colombia to continue to address the problem, and to continue to take action to dismiss from the service any members of State forces involved in human rights violations.

"The Commission strongly condemns the continuing attacks on human rights defenders as well as on journalists and labour union members. It notes the issuing of a presidential directive dated September 1999 and additional measures undertaken by the Ministry of Interior to protect human rights defenders who have been threatened. It calls on the Colombian authorities to take urgent action for the full implementation of the above-mentioned measures. It also encourages effective dialogue between the Colombian authorities and civil society to promote and reinforce the protection of all human rights defenders.

"The Commission notes with concern the effects of violence in Colombia, particularly the victimization of minority groups such as the indigenous and Afro-Colombian communities, which, according to the Committee on the Elimination of All Forms of Racial Discrimination, suffer disproportionately the effects of the violence. It welcomes the recognition by the Colombian Government of the existence of problems in these fields and calls upon the Government to take effective steps for the improvement of legal and physical protection of the affected groups. It calls on all parties to the conflict to respect the rights of the above-mentioned minority groups.

"The Commission requests the High Commissioner for Human Rights to submit to it, at its next session, a detailed report containing an analysis by the Office in Bogotá of the human rights situation in Colombia, in accordance with the provisions of the agreement between the Government of Colombia and the Office of the United Nations High Commissioner for Human Rights on the operation of the permanent Office in Bogotá."

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

(a) TREATY BODIES

(b) NATIONAL INSTITUTIONS AND REGIONAL ARRANGEMENTS

(c) ADAPTATION AND STRENGTHENING OF THE UNITED NATIONS MACHINERY FOR HUMAN RIGHTS

(agenda item 18) (continued) (E/CN.4/2000/5, 98 and Add.1, 99, 100, 102-104, 106 and 124; E/CN.4/2000/NGO/1, 24, 48, 84 and 133; A/54/336; E/CN.4/1998/85 and Add.1; E/CN.4/1997/74)

2. Mr. HARAGUCHI (Japan), reporting on the results of a regional workshop hosted by his Government, said that only two countries in the Asia-Pacific region - the Philippines and Japan - had thus far adopted national plans of action for human rights, although a number had developed educational programmes in specific areas. It had been agreed that human rights education must cover not only rights, but also obligations for society and the family, and that it must be combined with assistance for the impoverished.

3. Distributing pamphlets would not suffice; if the less literate sectors of society were to be reached, other education media must be explored, such as television drama and street plays. It was also crucial to provide human rights education to law-enforcement personnel. At the workshop, the important role of the Office of the High Commissioner (OHCHR) in the field of human rights education had also been emphasized. It was to be hoped that more countries would seek OHCHR assistance for the development of their national plans of action.

4. Regional symposia on human rights were being convened on a regular basis, at the initiative of his Government, on such issues as trafficking in persons. It was to be hoped that

regional cooperation would contribute, inter alia, to understanding the universality of human rights. Religious, cultural and social diversities, as well as differences in economic and legal systems, did not require different approaches or standards for human rights.

5. Mr. SALAS (Venezuela) said that a number of human rights institutions had been established in his country. The most significant was the Office of the Ombudsman, which had developed into part of a new public authority - citizens' power - under the Republican Moral Council. The Ombudsman ensured that constitutional rights were observed and investigated complaints. He also ensured the proper working of the public services, acted in various cases of legal malfunctioning and recommended prosecutions of public officials responsible for human rights violations.

6. Another institution that had been established was the National Commission on Human Rights, which advised upon and coordinated the executive's human rights activities carried out jointly with public and private institutions. Venezuelan human rights institutions were independent, both financially and administratively. That guaranteed their transparency, ensured respect for human rights and drew the public's attention to the existence of such rights. Moreover, thanks to their existence, the police forces had received better human rights training, it had been easier to follow up agreements between the authorities and non-governmental organizations (NGOs), and improvements had been made in reporting and coordination procedures within the police and military forces. The main benefit of human rights institutions was that they raised awareness among public officials of the need to respect human rights.

7. Mr. LUKIYANTSEV (Russian Federation) stressed the importance of ensuring the effective functioning of the treaty monitoring mechanisms. Paradoxically, the current system was working because of the widespread failure of the States parties to meet their reporting obligations on time; the treaty bodies would otherwise be swamped with even more reports awaiting consideration, and a restructuring of the current system would be all the more urgent. The States parties were as much to blame for such a state of affairs as the treaty bodies. Since there was often a considerable delay between the submission and consideration of a country's report, reports tended to be out of date by the time they were considered.

8. The treaty bodies would function much more effectively if they adhered more strictly to their mandates. To make it easier for States to implement their recommendations, they should also ensure that their concluding observations were substantive, concrete and clearly formulated from a legal point of view. Above all, it was essential to ensure the quality of the dialogue on both sides.

9. The special procedures were crucial to the work of the Commission but their quality was often compromised by a lack of dialogue. All too often, his delegation had been a witness to monologues by special rapporteurs and working group chairmen, without the States being given a proper opportunity to respond. Unacceptably too, certain special procedures also exceeded their mandate, thereby undermining the relationship with States and the authority of the mechanism as a whole.

10. Mr. SKRACIC (Observer for Croatia) said that national human rights institutions were a channel through which the ideas of civil society reached policy makers. A network of such

institutions was currently being established in his country in response to the proposals contained in various international documents. Priority was being placed on the needs of sectors of the population requiring special attention. The Office of the Ombudsman had been among the first to be established, followed by the Government Commission on Gender Equality, the National Committee on Human Rights Education and the Council for Children, with the Government Commission on Human Rights serving as an umbrella body. Those institutions were all seeking to elaborate a rights-based approach on issues within their sphere of responsibility. They also sought to raise public awareness of basic human rights and of punitive sanctions for violations.

11. The National Committee - with the active involvement of NGOs - had recently completed a national Programme for Human Rights Education. It incorporated civil education elements and was applied to all levels of education. The Programme sought, inter alia, to promote respect for the traditions, language and culture of minorities.

ADVISORY SERVICES AND TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS (agenda item 19) (E/CN.4/2000/105 and Add.1 and 107-111; E/CN.4/2000/NGO/25; A/54/366)

12. Ms. RISHMAWI (Independent expert on the situation of human rights in Somalia), introducing her report (E/CN.4/2000/110), said she regretted that it had not been issued earlier, the more so as she had submitted it to the Office of the High Commissioner in December 1999. The next day, 20 April 2000, would represent a "day of hope" for Somalia, since the Somalia National Peace Conference was due to open in Djibouti, starting a reconciliation process which would take some three years. It was based on the initiative by the President of Djibouti which he had declared before the General Assembly in 1999. Significantly, it enjoyed national support in Somalia as well as international support. All parties should make sustainable efforts to ensure its success. The report provided a detailed account of her visit to Somalia and its region. She drew particular attention to a number of paragraphs and to her conclusions and recommendations.

13. Ms. TAKLA (Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights) said that technical cooperation, by supporting national efforts to strengthen court systems, the judiciary and the administration of justice in line with international standards, introducing human rights in school curricula and helping to establish offices of Ombudsmen or women's institutions and other activities, was building the infrastructure of human rights and national capacities in the field. By supporting efforts to eliminate and incriminate injustice, violence, atrocities, bloodshed and torture, technical cooperation was protecting the rights of future generations.

14. By 1999, some 100 projects had been implemented in 45 countries throughout the world and, during that year, the Board of Trustees of the Voluntary Fund had reviewed, appraised and endorsed 18 new project proposals. One of the newly endorsed projects concerned treaty reporting in Albania, which represented an innovative approach that might be useful in other countries.

15. The Board of Trustees set great store by technical cooperation as a tool for enhancing women's rights. Technical cooperation staff had detailed guidelines on gender and women's human rights in the preparation and execution of all seminars and training activities, and for

evaluating projects. Another project, in Sierra Leone, involved OHCHR support for the process of establishing a truth and reconciliation commission. Project implementation would involve a cooperative relationship with the United Nations Development Programme (UNDP), the Special Representative of the Secretary-General, the United Nations Mission in Sierra Leone, government institutions and civil society. It was an example of how technical cooperation could contribute to reconciliation and peace-building efforts as part of a preventive strategy.

16. Technical cooperation staff worked with both Governments and the people. They were well aware of the fact that, in several developing countries, human rights activities were regarded as an infringement on sovereignty and as imposing Western paradigms, so they operated with respect for positive traditions and values while trying to correct negative attitudes.

17. The single main cause of human rights abuses was extreme poverty, which crushed values and dignity and killed hope and motivation. Eradicating or mitigating poverty was an integral part of all efforts to respect human rights principles and fundamental freedoms. All countries involved in technical cooperation programmes, either as donors or as recipients, were making a significant contribution to the protection of human rights. Once programmes were terminated, they were not revisited for evaluation, the Board of Trustees considered, therefore, that a limited sample should be evaluated every 16 months or so to ensure their success. More funds were needed for evaluation, however. She called upon all Member States to provide increased support to the Voluntary Fund because the more that was done immediately, the less there would be to do in the future.

18. Mr. DIENG (Independent expert on the situation of human rights in Haiti), having repeated his call for the return of all the documents of the Haitian armed forces and of the Front pour l'avancement et le progrès Haitien (FRAPH) which were still being held by the United States authorities and which were of prime importance in combating impunity, said that the weakness of Haiti's judicial system continued to be a cause of frustration for both the people and donors. There were cases of illegal detention, failure to respect judicial procedures resulting from ignorance or corruption and denial of justice. Efforts to improve detention conditions had been seriously jeopardized by a substantial reduction in support by the international community. The weakness of the judicial system had resulted in the death in detention on 9 February 2000 of Mr. Claude Raymond, a former general in the Haitian Armed Forces who had been held since 1996, despite several orders issued for his release.

19. Corruption in the judiciary was still rife and constituted an obstacle to reconciling the peoples of Haiti with the system of justice. The situation was made worse by the alarming increase in drug trafficking involving the police.

20. A major obstacle to implementing a plan of action with regard to justice was the absence of a functioning parliament and of free elections. The Provisional Electoral Council had recently announced that the first round of elections would take place on 21 May and the second round on 25 June 2000. He urged the Haitian authorities to convene Parliament on 17 July 2000, thereby quashing the rumour that the plan was to hold general elections at the same time as the presidential election scheduled for the end of the year.

21. He commended the efforts of the Inspector-General of the Haitian National Police to make police officers responsible for their actions. OHCHR should fill the gap left by the International Civilian Mission in Haiti in terms of systematic oversight of the situation of human rights, support for the Office for the Protection of Citizens and for human rights NGOs.

22. OHCHR could also assist the Haitian Government to ratify the main human rights instruments. The absence of a functioning parliament as well as the problem of human resources were both factors which inhibited Haiti's submission of the reports that were due.

23. There were serious problems of governance, security and poverty, which led to violence and assassinations. It was to be hoped that every effort would be made to shed light on the assassinations and the insecurity which were in danger of overturning the current democratization process.

24. Mr. ANTONIO (Observer for Haiti), acknowledging the objectivity of the independent expert's report (A/54/366), said that Haiti's current political crisis and institutional blockage were basically due to the repeated deferral of the dates of holding legislative and local elections. As a result, there had been a lack of control of the electoral process on the part of the Provisional Electoral Council and technical difficulties in registering electors. That had given rise to some suspicions of manipulation with regard to the participation of certain groups of the population. Others suspected manoeuvres to hold a single local, legislative and presidential election at the end of the year. The Prime Minister had recently reiterated the Government's clearly expressed intention to make additional funds and resources available to the Provisional Electoral Council for the organization of elections, provided that they satisfied the norms of transparency and credibility that were expected by the population.

25. The President of Haiti had questioned the real intentions of some sections of the international community that had accused the executive in Haiti of opposing the organization of elections, and had emphasized that no pressure would force Haiti into an election that was poorly prepared. The Government and the Provisional Electoral Council had fixed new dates for the election: the first round would be held on 21 May and the second round on 25 June 2000. Parliament would be convened as soon as possible thereafter in extraordinary session.

26. Turning to the numerous challenges facing the Haitian people, he emphasized that of combating impunity, which was bound to fail without international cooperation. The Government bore the heavy responsibility of bringing justice to those whose rights had been violated during the bloody coup d'état of 1991. In dealing with those human rights violations, his Government insisted on the need to return, without any falsification, all the documents confiscated in September 1994 at the time of the intervention by the multinational force, particularly those concerning the Front pour l'avancement et le progrès Haïtien (FRAPH).

27. The CHAIRMAN said that Mr. Hammarberg, the former Special Representative of the Secretary-General on the situation of human rights in Cambodia, who had resigned, would not be available to introduce his report (E/CN.4/2000/109). A member of the Secretariat would read out a statement on his behalf.

28. Mr. MAGAZZENI (Office of the High Commissioner for Human Rights), reading a statement on behalf of the former Special Representative of the Secretary-General on the situation of human rights in Cambodia, said that his last report on the situation of human rights in Cambodia (E/CN.4/2000/109) had been completed in December 1999, prior to his resignation in the same month.

29. Despite the decision of the Government of Cambodia to introduce judicial reform, the administration and functioning of the judiciary remained an issue of major concern. Interference by the executive was allegedly continuing and the independence of the judiciary remained limited. Professional standards were low, and there was corruption in the system. There were continuing reports that individuals in the custody of the police, the gendarmerie or the armed forces were tortured to extort confessions, and those responsible were not brought to justice.

30. Prisons were overcrowded, resulting in poor health and nutrition for detainees, and there was a failure to address special problems relating to women and minors. Women prisoners should be protected from abuse, particularly sexual abuse, and those committing such abuses should be brought to justice. Imprisoned minors should be provided with education for proper reintegration into society upon their release.

31. Early in 2000, the Cambodia Office of the High Commissioner for Human Rights had reported that it had been informed of some 60 cases of people rearrested by Government order, arrests that had not been based on any new evidence and were unconstitutional and in violation of United Nations provisions.

32. The issue still remained of the establishment of a trial for Khmer Rouge crimes committed between 1975 and 1979. There was an evident desire on the part of many Cambodians to see the Khmer Rouge leaders brought to trial in the interests of peace, justice and national reconciliation.

33. Two members of an opposition party who had been in detention at the time of the writing of the report had been released on 6 March 2000. The recent signing of the United Nations Inter-Agency Memorandum of Understanding with the Cambodian Ministry of the Interior on Law Enforcement Against Sexual Exploitation of Children was a welcome development, as was the initiative of the Cambodian Ministry of Women's and Veterans' Affairs to prepare a draft sub-decree for the establishment of a Cambodian National Women's Council.

34. The international community should continue its support for the Government and people of Cambodia in their efforts to create a peaceful society where the rights of all were respected and the rule of law and justice prevailed.

35. Mr. HARAGUCHI (Japan) said that the provision of advisory services and technical cooperation as a result of consultation between a Government and OHCHR was a very practical and effective approach. His delegation took the view that OHCHR efforts in that regard must have solid funding, ideally from the regular United Nations budget. He welcomed the efforts to pursue a policy of greater collaboration with other United Nations actors, especially UNDP, in order to ensure an efficient use of resources and to maximize the impact of projects. He also welcomed the launching of the Office's annual appeal, which would help donor countries to

understand financial needs and recipient countries to make better use of funds. In its bilateral development assistance, and specifically through its Partnership for Democratic Development efforts, Japan provided technical assistance to developing countries to aid democratic development and the promotion of human rights.

36. His delegation was pleased to note that the political will of the Government of Cambodia to promote and protect human rights, supported by OHCHR technical assistance activities, continued to foster progress in the situation of human rights in that country. While recognizing the many positive developments there, it observed that there was still room for improvement and accordingly believed that the mandate of the Cambodia Office of the High Commissioner should be renewed. It was his delegation's intention to submit a draft resolution to the Commission on the situation of human rights in Cambodia which it hoped would, as in previous years, be adopted by consensus.

37. Mr. PEREIRA GOMES (Portugal), speaking on behalf of the European Union, and the associated countries of Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, said that the international community must be prepared to assist Governments in implementing their obligation to promote and protect all human rights and fundamental freedoms. In that respect, advisory services and technical cooperation played an important role. Without commitment of the State concerned to such cooperation, any provision of advisory services would be a waste of limited resources.

38. The aim of technical cooperation was to build sustainable national capacities to implement international human rights standards and assure respect for human rights. It should be established at the request of, and in cooperation with, the Government of the beneficiary country and take into account an assessment of its real needs and priorities.

39. The role of national human rights institutions in building and strengthening adequate national structures and reforming national laws and systems which had a direct impact on human rights and the rule of law must be consolidated and strengthened. It was important to ensure that civil society, as the main beneficiary of technical assistance programmes, was fully involved in the design and implementation of those programmes.

40. The Union fully supported the OHCHR Technical Cooperation Programme which provided effective and efficient support to countries committed to protecting and promoting human rights. The increasing number of requests for advisory services and technical cooperation gave an indication of its usefulness. The Union also welcomed the procedures established by OHCHR to implement technical cooperation projects. The efficiency and effectiveness of such projects must be measured by their impact on the human rights situation of the country concerned.

41. In view of the importance of increased cooperation and coordination between the relevant actors within the United Nations system, the Union welcomed the efforts being made to ensure more meaningful participation by OHCHR in the preparation of common country assessment and United Nations Development Assistance Framework (UNDAF) documents, which maximized the impact of technical cooperation activities and made more efficient use of

resources. While fully appreciative of the role played by the High Commissioner in that regard, the Union called upon all relevant Commission mechanisms to explore the potential for advisory services in their observations and recommendations.

42. The Union was committed to developing assistance in the area of human rights, and technical assistance constituted an integral part of its overall human rights policy. The States of the Union were some of the largest donors to the Voluntary Fund for Technical Cooperation. It was a positive development that increasing numbers of developing countries were contributing to that Fund. He also welcomed the launching by OHCHR of the global Annual Appeal for funding, which was an important first step in presenting its work in a transparent and accountable manner. The Union believed however that, besides voluntary contributions, the Office's share of the United Nations regular budget should be significantly increased in order to meet the growing demands on its work and finance its wide range of activities.

43. Mr. CASTRO GRANDE (El Salvador) said that advisory services in the field of human rights constituted an important mechanism for developing countries seeking to establish societies based on respect for and promotion of human rights. In January 1997, the Government of El Salvador and OHCHR had signed two agreements on technical cooperation in the field of human rights aimed at consolidating the protection of human rights, strengthening democracy and the rule of law and promoting the application of international human rights standards in the judiciary. A number of activities had been carried out by the technical cooperation project in a number of ministries and national institutions. By December 1999, when the assistance projects had been completed, the national institutions which had benefited from that cooperation were appreciably better equipped to guarantee to the Salvadoran population effective protection and full realization of its rights and fundamental freedoms.

44. The technical cooperation had encouraged the development of increased cooperation among the institutions involved, NGOs and specialized bodies concerned with human rights. The excellent results produced by those projects, the training given and the management of financial resources were largely due to the work of the OHCHR National Director in San Salvador, to whom his Government wished to express its appreciation.

45. Successful though those projects had been, the mission was not yet completed, since many national institutions still needed strengthening. Terms for a second phase of cooperation were currently being worked out, with a view to providing cooperation to the Ministry of Education, the Public Counsel for the Defence of Human Rights and the National University. The continued support of OHCHR and donor countries was necessary for that national undertaking. He appealed to the High Commissioner to approve the second phase as quickly as possible.

46. His Government, as a beneficiary of extremely positive technical cooperation in the field of human rights, had decided to make a contribution to the Voluntary Fund, being convinced that such cooperation was of the greatest benefit to the promotion, protection and defence of human rights.

47. Mr. ZAFERA (Madagascar) said that provision was made in the Constitution of Madagascar for the promotion and protection of human rights, pursuant to which a National

Human Rights Commission had been established in 1996. Its main responsibilities were to deal with complaints of human rights violations, the campaign for the ratification of international treaties, the promotion of a human rights culture at all levels, the provision of support to the Government in the preparation of reports and the monitoring of the implementation of ratified conventions.

48. As part of the technical cooperation project to strengthen national institutions, OHCHR had organized a workshop on the proper functioning of national human rights commissions in 1999. Commission members and NGOs had recently benefited from UNDP training on human rights, and the same training was currently being given to primary and secondary schoolteachers.

49. In addition to the National Commission, a number of steps for the promotion and protection of human rights had been taken, including the ratification of numerous international human rights instruments, legislation against all forms of discrimination and the creation of a national electoral council. Such measures demonstrated the desire of the authorities to consolidate the rule of law and guarantee the effective enjoyment of human rights and democracy.

50. His Government was grateful for the technical assistance provided by OHCHR, and took the opportunity to express its appreciation thereof. It also wished to thank the donor countries for their untiring support for the Technical Cooperation Programme.

51. His delegation was convinced that technical cooperation was one of the most effective ways of assisting countries that wished to increase their efforts to promote and protect human rights. In view of the increasing demand for technical assistance, which could not be met without increased resources, his delegation supported the Appeal launched by OHCHR for contributions to the Voluntary Fund.

52. Mr. MULONDA (Zambia) said that the period of standard-setting in the field of human rights was almost over, and the current challenge was how best to implement those standards. Standard-setting had evolved faster than institutional capacity in most cases, and there was a consequent need for advisory services and technical cooperation to balance the equation.

53. While human rights were a global issue, they required domestic activity. His delegation therefore wished to associate itself with the emphasis placed by the High Commissioner for Human Rights on national institutional capacity-building, and commended her efforts in that regard. However, the lack of sufficient OHCHR resources was disturbing.

54. Zambia was party to the six main international human rights instruments, and was consequently obliged to submit reports. Such reports were an important part of implementation and demonstrated a Government's political will to implement the standards embraced at the international level. In that regard, Zambia had received valuable assistance from its bilateral cooperation partners. An impressive array of human rights standards was currently in place. Nevertheless, it was time to become more proactive with regard to technical cooperation.

55. Mr. GOPINATHAN (India) said that human rights were best promoted, protected and developed through an approach which involved dialogue, cooperation and consensus-building. The development and strengthening of national capacities and institutions in the field of human rights was a key area for international cooperation. His delegation therefore believed that advisory services and technical cooperation, provided at the request of Governments, constituted one of the most effective means of promoting all human rights, democracy and the rule of law.

56. He had noted with satisfaction the increasing interest in technical assistance in the area of human rights, and the fact that contributions to the Voluntary Fund for Technical Cooperation had been growing in recent years, with an increasing number of contributions from developing countries. It was encouraging that programmes for such cooperation were in pursuit of national development objectives and national programmes.

57. The strengthening of national capacities was essential to progress in the promotion and protection of human rights, and strengthening the role played by human rights institutions was an important objective of the Technical Cooperation Programme. He therefore favoured the enhancement of the role of the High Commissioner for Human Rights in the promotion of human rights through cooperation with Member States and by the extension of the OHCHR Technical Cooperation Programme.

58. That Programme was based on the premise that, in considering remedies to problems in various parts of the world, the approach best suited for each situation must be identified. Genuine and lasting change could occur only if the political will existed and if national institutions and capacities were built to promote democracy, the rule of law and a culture of respect for all human rights. The main focus of the Programme must therefore remain the building of national capacities.

59. National human rights expertise must ensure the sustainability of endeavours and address country-specific requirements: prevention and monitoring alone could not produce lasting results. As a measure of the importance it attached to the subject, his delegation was sponsoring a draft resolution on advisory services and technical cooperation in the field of human rights. Cooperation, consensus and dialogue were the best ways of moving forward in all aspects of human rights and, in the area of advisory services and technical cooperation, those methods were achievable.

60. Mr. OYARCE (Chile) said that there was a growing trend towards seeking advisory services and technical cooperation in the field of human rights, which required an integrated approach from the various agencies involved. His delegation wished to thank the United Nations in general and OHCHR in particular for supporting the requirements of his region in that regard. Through the setting up of national institutions, Chile was prepared to cooperate with all activities aimed at promoting good governance and the rule of law. His delegation wished to become a sponsor of the draft resolution on the issue under discussion.

61. Mr. VALENCIA (Ecuador) said that advisory services and technical cooperation were among the most effective ways of promoting and protecting human rights. His delegation wished to thank OHCHR for the support it had provided in the development of his country's national Human Rights Plan. The first meeting for the promotion and protection of human rights

in the Latin American and Caribbean region, held in Quito, had been instrumental in establishing priorities for the national plan of action, and OHCHR had helped to establish the priorities for that meeting.

62. Despite the difficulties it faced, and the continuing need for capacity-building, Ecuador had had some significant achievements in human rights. If further achievements were to be possible, the continued support of the international community through the provision of advisory services and technical cooperation was essential.

63. Mr. GUARDIA (Observer for Panama), speaking on behalf of the Central American Group, said that, during the internal conflicts that had affected several of the States in the Group in the past decades, human rights had enjoyed little protection. Nevertheless, significant advances were currently being made. Governments must have the political will and a spirit of cooperation if human rights were to be promoted and protected, and substantial support from the international community was also essential. Such support and cooperation was particularly important for countries that were recovering from armed conflict, and OHCHR had played a major role in establishing priorities.

64. At the recent meeting in Ecuador, capacity-building and the preparation of reports to treaty-monitoring bodies had been established as such priorities. The members of the Central American Group were proud that great advances had been made with regard to the promotion and protection of human rights but, if such achievements were to continue, they must be able to depend on the continued technical cooperation of the specialized international bodies and, in particular, of OHCHR.

65. Ms. DUTLI (International Committee of the Red Cross (ICRC)) said that great advances in the promotion and implementation of humanitarian law had been made following the establishment of the ICRC Advisory Service on International Humanitarian Law. A particular success had been the ratification of the humanitarian law treaties by States, and she urged the small number of States not yet parties to those treaties to take the necessary steps towards their ratification so that the result would be universal application of humanitarian law, including implementation at the national level.

66. The ICRC Advisory Service had provided technical assistance in the drafting, adoption and amendment of implementing legislation in many countries. Guidelines and model laws on national implementation had been placed at the disposal of national authorities as tools for the implementation of their humanitarian law obligations. There had been a significant increase in the number of national commissions for the implementation of international humanitarian law, and the ICRC Advisory Service had assisted in the organization of regional meetings of such commissions designed to strengthen cooperation and facilitate the exchange of experience.

67. ICRC had for years been cooperating with the human rights machinery of the United Nations in the dissemination of international humanitarian law. It wished to expand that cooperation by providing technical assistance to national human rights and humanitarian law committees and to national authorities working on the implementation of humanitarian law, as well as by acting as a focal point for the collection and exchange of information on the national

implementation of humanitarian law. She hoped that, by combining efforts, better implementation of international human rights and humanitarian law could be achieved.

68. Ms. MARKINA (Observer for Ukraine) said that the OHCHR regional/subregional approach to supporting national efforts gave the opportunity to draw on the expertise and best practices of countries in comparable situations, generate cooperation and use international resources more efficiently. The technical cooperation programme was an outstanding example of that approach.

69. Assistance in the sphere of the administration of justice had been particularly useful for her country. The Government had ratified Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty: the final step to creating a State where no one would be executed. The Criminal Code had been amended to replace capital punishment with imprisonment for life. Such changes, however, had necessitated a reorganization of the penitentiary system and her delegation hoped that Ukraine would be able to receive technical and advisory support in that regard.

70. Every effort was being made to ensure that national human rights legislation complied with international standards and principles. Her Government had ratified all the basic international human rights instruments. The Ombudsman and the Constitutional Court guaranteed the observance of human rights. She hoped that the programme of cooperation between OHCHR and the Ombudsman would be finalized and implemented as soon as possible. Lastly, her delegation was grateful that Ukraine had been included in the human rights strengthening (HURIST) programme, which could help States meet their obligations under international treaties.

71. Mr. SKRACIC (Observer for Croatia) said that, although technical assistance and human rights monitoring were not necessarily mutually exclusive, the former could be fully successful only in a country where monitoring had come to an end, especially where political circumstances had permitted a significant improvement in the protection of human rights. Croatia had reached that stage but was still being monitored under item 9 of the Commission's agenda. His Government had applied for technical assistance in 1994 and had signed a project with OHCHR entitled "Consolidation, Protection and Promotion of Human Rights in the Republic of Croatia" in May 1999.

72. Progress in implementing the project had been most satisfactory, particularly in respect of the target groups selected by OHCHR, the lecture subjects and the way in which the project had been implemented. A summer school for law students and human rights seminars for senior government officials, military personnel, judges and lawyers had been organized. The seminars should greatly facilitate human rights awareness in government and public institutions, which would result in greater personal safety for all citizens and the elimination of all forms of discrimination.

73. The existing project would be completed by the end of the year and the internal financial policies of OHCHR meant that it was unlikely to extend into 2001. His Government wished to assure OHCHR of its warm appreciation and looked forward to the time when it would be able to assist others in establishing or strengthening their national human rights institutions.

74. Mr. ESHRAGH-JAHROMI (Observer for the Islamic Republic of Iran) said that the countries of the Asia-Pacific region had come a long way since the First Workshop on Regional Arrangements for the Promotion and Protection of Human Rights in the Asian and Pacific region in 1990: the adoption of the Framework of Regional Technical Cooperation Programme in Asia and the Pacific at the Sixth Workshop in Tehran in 1998, and the follow-up discussed at the Eighth Workshop in Beijing, had been important steps forward.

75. Since a conventional human rights mechanism did not exist in the region, regional cooperation was an effective arrangement. His delegation welcomed its steady expansion and encouraged all States to engage in the activities adopted at the Eighth Workshop.

76. Much could be achieved if certain principles were observed. In the first place, thematic workshops should be held in an objective and results-oriented manner, with exchanges of information and experience. Secondly, all activities should be conducive to the strengthening of national capacities for the promotion and protection of human rights. Thirdly, the specification of subregions should be in accordance with social and cultural similarities. Fourthly, all the subregions of Asia and the Pacific should be able to engage in and benefit from the proposed activities. Lastly, workshop topics should be relevant to the social and economic structure of the region.

77. Mr. MOYOMBAYE (Earthjustice Legal Defense Fund) said that the southern part of Chad was the subject of a huge oil project, run by a consortium made up of Esso (Exxon), Chevron and Petronas. It was alleged to be a development project, but in fact it threatened the rights of the local peoples: the details were to be found in his organization's written presentation (E/CN.4/2000/NGO/101). Wide areas had been rendered temporarily or permanently uncultivable and many trees had been cut down. The compensation paid had been ridiculously low, sometimes a twentieth of that envisaged under the compensation plan. Moreover, the arrival of money in the region had increased corruption and exacerbated existing social and political tensions. There might even be a resumption of the conflicts suffered by the country over the past 30 years.

78. Those campaigning for proper management of the oil project were constantly being threatened, especially since the withdrawal of Elf and Shell from the consortium. Local people had not been given proper information and were excluded from decision-making. At so-called consultations held by Esso, the local people were inhibited by the presence of soldiers. When the President of the World Bank had visited Bébédjia, the Prefect of Doba had threatened with arrest anyone who dared express opposition to the project. He himself had been forbidden by the Prefect to continue to work for the protection of the local population.

79. He called on the Commission to urge the authorities to guarantee the safety and freedom of the people's representatives and to involve the local people in decision-making. He also called upon the World Bank to suspend all credits for the project until an independent study of its impact on the local population and environment had been carried out.

80. Mr. VEGA BAEZ (Service Peace and Justice in Latin America), speaking also on behalf of the International Federation of Action of Christians for the Abolition of Torture, said that through international human rights cooperation States could overcome the contradictions and

failures of their own judicial systems. Advisory and technical assistance programmes should not, however, be used to address problems caused by the lack of political will on the part of Governments, which should undertake democratic and institutional reforms on the basis of recommendations by the international treaty bodies and special rapporteurs.

81. Technical assistance programmes depended for their success on the participation of NGOs in their design and implementation. There should also be a consensus within civil society on the objectives to be achieved. Furthermore, it was important to ensure that technical assistance programmes were evaluated and monitored in a transparent fashion. Unless those elements were in place, Governments could use a programme as an excuse to evade their responsibilities, thus strengthening impunity.

82. The Government of Mexico had shown its willingness to work with the High Commissioner and the United Nations mechanisms. The Technical Assistance Programme agreed on in November 1999 could thus be most important in overcoming the human rights crisis in Mexico, particularly if its impact was felt in the regions where violent conflicts had taken place, such as the States of Chiapas, Oaxaca and Guerrero. He urged the Commission, therefore, to appoint an independent expert to help define and monitor the programme.

83. Ms. STOTHARD (Aliran Kesedaran Negara: National Consciousness Movement) suggested that government representatives should be given a refresher course in human rights and the essential role of the Commission. They blithely delivered statements bereft of the most basic grasp of human rights concepts, laying themselves open to contempt and insulting the dignity of the Commission. For example, the previous day the observer for Myanmar had denied the existence of human rights violations there, being seemingly unaware of the masses of refugees that had fled the country. Similarly, the observer for Malaysia had stated that the establishment of the national human rights commission was consistent with the Paris Principles. That was blatantly untrue.

84. A key element of a refresher course would have to be the incorporation of the gender perspective: some Government delegates did not seem to be aware that women, too, were human beings. More generally, there were Governments that failed to implement the commitments they made at the Commission, in such areas as training police and security forces not to violate human rights. Many NGOs would much prefer to work with their Governments to implement human rights principles instead of travelling to the Commission every year to report on yet more human rights violations at home. She hoped that the advisory services and technical cooperation offered through international human rights mechanisms would be able to address the concerns she had expressed.

85. Mr. OWONA (International Young Catholic Students) said that the situation in Haiti had become more and more alarming. The Haitian authorities had failed to deliver on the promises they had made the previous year, adducing insufficient funds and the fact that the United States Government was still holding the documents of the Front pour l'avancement et le progrès Haïtien (FRAPH).

86. The fact was that the executive in Haiti sought power by all means and turned a blind eye to the assassinations of members of the opposition and other persons critical of the regime and its governance, including Father Jean-Pierre Louis of Jeunesse Etudiante Chrétienne and Jean Dominique of Radio Inter.

87. The main challenge facing the country was the promotion of the rule of law and the establishment of a modern, independent, fair and accessible judiciary. The Commission should monitor the protection of human rights defenders in Haiti and urge the Government to hold early and fair elections.

The meeting rose at 12.55 p.m.